


Sandwell Metropolitan Borough Council

5 March 2019

Subject:	Election of Leader of the Council
Director:	Surjit Tour – Director of Law and Governance and Monitoring Officer
Contribution towards Vision 2030:	
Contact Officer(s):	Surjit Tour surjit_tour@sandwell.gov.uk

DECISION RECOMMENDATIONS

That Council:

1. Elects an Elected Member as Leader of the Council with immediate effect pursuant to the Local Government Act 2000 (as amended) and Articles 4.02(d) and 7.03 of the Council's Constitution; and
2. Subject to 1 above, requests the duly elected Leader of the Council to:
 - a) confirm the Statutory Deputy Leader of the Council pursuant to Article 7.04 of the Constitution; and
 - b) confirm the Cabinet Portfolios and Cabinet Members pursuant to Article 7.06 of the Constitution.
3. Subject to 1 above, affirms the appointment of the Leader of the Council to the Committees, Panels, Outside Bodies and Groups (and as Chairperson as applicable) as detailed in Appendix 1 and 2 to this report.

1 PURPOSE OF THE REPORT

- 1.1 To elect the Leader of the Council with immediate effect in accordance with the Local Government Act 2000 (as amended by the Local Government and Public Involvement in Health Act 2007 and Localism Act 2011), and Articles 4.03(d) and 7.03 of the Council's Constitution.
- 1.2 Subject to the election of the Leader of the Council, the duly elected Leader is statutorily required to appoint a Deputy Leader of the Council.
- 1.3 The Leader of the Council has the discretion to appoint up to nine Cabinet Members (which includes the Deputy Leader of the Council) and to determine their portfolios.
- 1.4 The Leader of the Council will therefore be invited to confirm the:
 - Statutory Deputy Leader of the Council; and
 - Cabinet Members and their Portfolios.
- 1.5 Council at its Annual Meeting on 22 May 2018, appointed the then Leader of the Council to numerous Committees, Outside Bodies, Panels and Groups and as the Chairperson of the majority of the Committees/Panels.
- 1.6 This report maintains the position as determined by Council at its Annual Council meeting, in that Council affirms that the Leader of the Council be appointed to those Committees, Outside Bodies, Panels and Groups and as Chairperson as detailed in Appendix 1 and 2 to this report.
- 1.7 For the avoidance of any doubt, and subject to paragraph 1.4, no changes are proposed in relation to the executive arrangements.

2 IMPLICATIONS FOR SANDWELL'S VISION

- 2.1 All executive functions vest in the Leader of the Council, who together with Cabinet Members, the Cabinet and officers discharge those functions. Vision 2030 will influence and help determine how those executive functions will be discharged.

3 BACKGROUND

- 3.1 The Local Government Act 2000, when it came into force, required almost all principal local authorities to adopt “executive arrangements” in one of three forms, namely: -
- Mayor and Cabinet Executive;
Leader and Cabinet Executive; or
Mayor and Council Manager.
- 3.2 In England, Part 3 of the Local Government and Public Involvement in Health Act 2007 abolished the ‘Mayor and Council Manager’ model of governance and amended Section 11 of the Local Government Act 2000 to replace the ‘Leader and Cabinet Executive’ model with the ‘Leader and Cabinet Executive (England)’ model.
- 3.3 The Local Government and Public Involvement in Health Act 2007, required Metropolitan Borough Councils to approve a move to a new form of executive arrangement by 31 December 2009.
- 3.4 The Council’s revised governance arrangements were considered and approved by Full Council at its meeting on 1 December 2009, and the arrangements subsequently came into force on 6 May 2010, three days after the May 2010 Local Elections.
- 3.5 Further subsequent amendments to the executive model of governance were made by the Localism Act 2011.
- 3.6 Under the current Leader and Cabinet Executive (England) model, Full Council elects the Leader of the Council; however, the Leader is responsible for: -
- determining the membership size of the Cabinet (which can be between 3 and 10 excluding the Statutory Deputy Leader);
 - appointing the Members of the Cabinet;
 - allocating portfolios or areas of responsibility to the Cabinet Members, Cabinet, Committees of the Cabinet, and/or officers;
 - allocating decision-making powers to the Cabinet and to individual Cabinet Members, Cabinet, Committees of Cabinet and officers; and
 - removing and replacing Cabinet Members.

4 KEY CONSIDERATIONS

- 4.1 Following the position of Leader of the Council becoming vacant on 13 February 2019, Council under Articles 4.04(d) and 7.03 is entitled to elect a new Leader of the Council.
- 4.2 Only Elected Members are eligible to be considered for the role of Leader of the Council.
- 4.3 Under the Local Government Act 2000 (as amended) and Article 7.03 of the Council's Constitution, the appointed Leader will hold office (subject to specific caveats detailed within Article 7.03) for four years or until his/her term of office as Councillor expires, if this is less than four years.
- 4.4 The election of the Leader of the Council is determined by a majority vote of Elected Members present and eligible to vote at the Council meeting.
- 4.5 Council is therefore invited to elect a new Leader of the Council.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 5.1 There is no requirement for consultation. The decision to elect a new Leader of the Council is a matter entirely for Full Council.

6 ALTERNATIVE OPTIONS

- 6.1 In the absence of a new Leader of the Council being elected, under the Local Government Act 2000 (as amended) and Article 7.04 of the Constitution, the Deputy Leader of the Council must act in the place of the Leader of the Council. This would include the Deputy Leader exercising all the statutory functions falling within the Leader's office (including those detailed in paragraph 3.6 above).

7 STRATEGIC RESOURCE IMPLICATIONS

- 7.1 There are no strategic resource implications arising from this report. The Council has in place an approved Members' Allowances Scheme.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 These considerations are set out in the main body of the report.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 There is no requirement for an equality assessment. However, any Elected Member is eligible to be nominated as Leader of the Council.

9.2 The Council has appropriate policies, procedures and practices in place to enable any Elected Member to be nominated and be supported in the role of Leader of the Council.

10 **CRIME AND DISORDER AND RISK ASSESSMENT**

10.1 There are no such issues arising.

11 **CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

11.1 The Council is legally required to elect a Leader of the Council. It is entitled to do so during the Municipal Year but must do so at Annual Council in May 2019 if the position of Leader of the Council remains vacant.

12 **BACKGROUND PAPERS**

Articles 4 and 7 of the Council's Constitution
Acts of Parliament as referred to in the report.

13 **APPENDICES:**

None